

AMENDED IN SENATE MAY 14, 2007

Senate Constitutional Amendment

No. 9

Introduced by ~~Senator Ashburn~~ Senators *Ashburn and Perata*
(*Coauthor: Assembly Member Maze*)

April 16, 2007

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 4 and 8 of Article III thereof, by amending Sections 2, 3, 12, and 22 of, and adding Section 3.5 to, Article IV thereof, by amending Section 7 of Article XX thereof, and by amending Section 1 of, and adding Sections 2, 3, 4, 5, 6, and 7 to, Article XXI thereof, relating to the partial revision of the Constitution by the creation of and transfer of legislative duties to the Independent Redistricting Commission, terms and service of Members of the Legislature, and the state budget.

LEGISLATIVE COUNSEL'S DIGEST

SCA 9, as amended, Ashburn. Legislative reform: redistricting and, term *limits*, salary, and contribution ~~limits~~ *reports*.

(1) Existing provisions of the California Constitution prohibit a Senator from serving more than 2 terms of 4 years each and a Member of the Assembly from serving more than 3 terms of 2 years each.

This measure would instead allow a person, during his or her lifetime, to serve not more than 12 years in the Senate, the Assembly, or both, in any combination of terms, except that a Senator or Member of the Assembly in office on the effective date of this measure, whether or not he or she has previously served in the other house, would be eligible to serve a total of 12 consecutive years in the house in which he or she is currently serving.

(2) *The Constitution requires the Legislature to convene in regular session at noon on the first Monday in December of each even-numbered year, when each house shall immediately organize. The Constitution requires each session of the Legislature to adjourn sine die by operation of the Constitution at midnight on November 30 of the following even-numbered year.*

This measure would require that the Legislature, when adjourned for a joint recess or during other appropriate times, conduct hearings and studies on the oversight of state government operations, evaluation of existing laws, and research and education about long-term improvement of state government. The measure would require that Members return to their districts during session for constituent meetings at least once each week and for town hall meetings at least quarterly. The measure would require that the Chief Clerk of the Assembly and the Secretary of the Senate report on a public Web site the number of oversight hearings, town hall meetings, and district constituent meetings attended by each Member. The measure would prohibit the Legislature from recessing or adjourning during the consideration of the state budget until it has passed and presented to the Governor the annual Budget Bill.

(3) ~~Existing law, the Political Reform Act of 1974, limits the amount of moneys that a person may contribute to~~ *requires reporting of contributions made to a candidate for elective state office. Certain contributions are required to be reported to the Fair Political Practices Commission within 24 hours by the contributor and the recipient.*

~~This bill measure would prohibit require reports to the Fair Political Practices Commission concerning contributions totaling \$1,000 or more that are made to the Governor and to Members or a Member of the Legislature during a specified state budget time period and or a specified period prior to the end of the first 1st year and or 2nd year of a legislative session. It would also prohibit require the reporting of contributions in that amount that are made to the Governor during a specified period after immediately following the end of the first 1st year and or 2nd year of a legislative session.~~

(3)

(4) Existing provisions of the California Constitution require the Legislature to pass a Budget Bill by June 15 of each year.

~~This measure would require provide~~ *that, if a Budget Bill is not passed by July 1, Members of the Legislature would not receive any salary from July 1 to the date a Budget Bill is passed and sent to the Governor.*

It would provide that once a budget bill is passed and sent to the Governor, a Member of the Legislature ~~shall~~ *would* retroactively receive any salary ~~that was due during~~ *for* that period of time.

This measure would also require that, if the Legislature fails to pass a Budget Bill by July 1 of any year, both houses of the Legislature meet daily until it does so.

(4)

(5) The California Constitution states the right of the people to hold their legislators accountable and, in implementation of that right, imposes certain reporting duties upon specified legislative leaders.

This measure would, in addition, state the right of the people to have reasonable opportunities to meet and communicate with Members of the Legislature and, in implementation of that right, would require Members of the Legislature to attend quarterly meetings and maintain regular office hours in their districts.

(5)

(6) The California Constitution requires the Legislature, in the year following the year in which the federal census is taken at the beginning of each decade, to adjust the boundary lines of the state Senate, Assembly, congressional, and State Board of Equalization districts in accordance with specified standards.

This measure would revise these provisions to apply only to the adjustment of the boundary lines of congressional districts.

This measure would, with respect to adjusting the boundary lines of Senate, Assembly, and State Board of Equalization districts, require the establishment of a pool of 55 candidates for appointment to an 11-member independent restricting commission, as nominated by a panel of 10 retired superior court judges or judges of the Court of Appeal appointed by the Judicial Council. This measure would authorize officers of the Senate and Assembly to each strike 4 candidates from the pool of nominees, would require the selection and appointment of the commission members from the remaining pool by the Fair Political Practices Commission, and would provide for the filling of vacancies on the commission and the removal of members.

This measure would provide that certain records of the redistricting commission are subject to the California Public Records Act and would require the commission to hold public hearings.

This measure would grant the California Supreme Court original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the commission, and would authorize an affected elector to file a

petition for a writ of mandate or prohibition within 45 days after the commission has certified the plan to the Secretary of State. The Supreme Court would be required to act expeditiously on the petition. If the plan is held to violate the California Constitution, the United States Constitution, or any federal statute, this measure would require the court to provide relief as it deems appropriate to remedy that violation and to otherwise accomplish the purposes of this measure.

This measure would require the Governor in 2010, and annually thereafter, to include in the Governor's Budget submitted to the Legislature an amount of funding sufficient to meet estimated redistricting expenses, and would require that the necessary appropriation be made in the annual Budget Act. It would authorize the commission to contract and to hire staff and consultants, including legal representation, for purposes of this measure. It would provide that the panelists and commissioners would receive a per diem of \$150 for each day of attendance at a meeting of the panel or commission and for actual and necessary traveling expenses.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 WHEREAS, This measure shall be known and may be cited as
2 the "Term Limits and Legislative Reform Act"; and
3 WHEREAS, The people of California find and declare all of
4 the following:
5 ~~(1) Under a constitutional measure approved in 1990, a Member~~
6 ~~of the Legislature may serve a total of 14 years, consisting of no~~
7 ~~more than 6 years in the Assembly and no more than 8 years in~~
8 ~~the Senate;~~
9 ~~(2) A variety of academic and public policy groups, some of~~
10 ~~which once supported term limits, have studied the effect of term~~
11 ~~limits in California and have concluded that our law is in need of~~
12 ~~reform to make government work for the people;~~
13 ~~(3) California faces many complex and critical issues ranging~~
14 ~~from underperforming schools to global warming to inadequate~~
15 ~~health care. The legislation required to solve these problems can~~
16 ~~take years to develop and pass, and Members of the Legislature~~
17 ~~must spend substantial amounts of time acquiring the knowledge~~
18 ~~of these matters and obtaining the kind of support among their~~
19 ~~colleagues necessary to address these urgent issues;~~

1 ~~(4) Currently, term limits produce a turnover that does not allow~~
2 ~~legislators enough time to build and fully utilize leadership skills~~
3 ~~or expertise in making public policy, and thus our most~~
4 ~~knowledgeable and experienced legislators must leave the~~
5 ~~Assembly or the Senate prematurely, depriving us of their skill~~
6 ~~and expertise;~~

7 ~~(5) When legislators lack the necessary skills to engage in~~
8 ~~effective lawmaking, legislative process becomes much more~~
9 ~~heavily influenced by lobbyists, veteran staff, and officials from~~
10 ~~the executive branch of government;~~

11 ~~(6) The state should also reform term limits to put an end to~~
12 ~~constant campaign fundraising and to allow legislators to work~~
13 ~~together more effectively across partisan lines;~~

14 ~~(7) Legislative terms should be modified so that legislators have~~
15 ~~time to acquire the public policy and legislative expertise necessary~~
16 ~~to resolve the difficult issues facing the state, and to reduce the~~
17 ~~current rotation of legislators from one elected public office to~~
18 ~~another, which compromises institutional knowledge of public~~
19 ~~policy;~~

20 ~~(8) The National Conference of State Legislatures, Council of~~
21 ~~State Governments, and State Legislative Leaders Forum issued~~
22 ~~a report concluding that “the effects of term limits on Sacramento’s~~
23 ~~polymaking processes have been more profound,” including “a~~
24 ~~widespread sense in Sacramento that something needs to be done~~
25 ~~soon to provide more stability and expertise to the Legislature’s~~
26 ~~polymaking process”;~~

27 ~~(9) The state needs to reform California’s term limits law to~~
28 ~~permit Members of the Legislature to remain in a single house for~~
29 ~~a longer period of time while reducing the total number of years~~
30 ~~that new legislators may serve; and~~

31 ~~WHEREAS, The report entitled Joint Project on Term Limits~~
32 ~~2004, by the National Conference of State Legislatures, Council~~
33 ~~of State Governments, and State Legislative Leaders’ Foundation,~~
34 ~~additionally determined the following:~~

35 ~~(1) “In both houses, committees now screen out fewer bills~~
36 ~~assigned to them and are more likely to see their work rewritten~~
37 ~~at later stages”;~~

38 ~~(2) “The practice of ‘hijacking’ Assembly bills—gutting their~~
39 ~~contents and amending them thoroughly in the Senate has~~
40 ~~increased sharply”;~~

1 ~~(3) “As a body, the Legislature is less likely to alter the~~
2 ~~Governor’s budget, and its own budget process neither encourages~~
3 ~~fiscal discipline nor links legislators’ requests to overall spending~~
4 ~~goals”;~~

5 ~~(4) “Legislative oversight of the executive branch has declined~~
6 ~~significantly”;~~ and

7 ~~(1) We are a state of more than 37 million people, of immense~~
8 ~~ethnic and cultural diversity, with an economy that ranks California~~
9 ~~as a world power among nation-states, and with public universities,~~
10 ~~research institutions, and facilities that are the envy of the world;~~

11 ~~(2) Because of our size, diversity, and complexity, California’s~~
12 ~~future depends upon institutions of government that enjoy the trust~~
13 ~~and confidence of the people they serve, with the stability to make~~
14 ~~difficult and complex decisions;~~

15 ~~(3) A comprehensive report prepared by the distinguished~~
16 ~~Constitutional Revision Commission approximately 10 years ago~~
17 ~~concluded that changes to the legislative process were necessary~~
18 ~~to allow the Legislature to respond effectively and reliably to~~
19 ~~California’s needs. These changes are long overdue and are badly~~
20 ~~needed to do all of the following:~~

21 ~~(A) Modernize the legislative process.~~

22 ~~(B) Make the legislative process more effective and reliable.~~

23 ~~(C) Restore the public’s confidence in the integrity of the~~
24 ~~legislative process;~~

25 ~~(4) The way the Legislature spends its time must be changed.~~
26 ~~Although each legislative session is two years long, Members of~~
27 ~~the Legislature currently do not spend sufficient time overseeing~~
28 ~~the operations of state government, evaluating existing laws, or~~
29 ~~learning about important emerging policy issues and challenges.~~
30 ~~The Legislature must conduct more oversight hearings and~~
31 ~~investigate the effectiveness of statutes or programs to determine~~
32 ~~if they are meeting their intended objectives;~~

33 ~~(5) Members of the Legislature currently do not spend sufficient~~
34 ~~time in the districts they represent meeting with constituents or~~
35 ~~holding town hall meetings so that they may learn more about~~
36 ~~voters’ needs and views. Members of the Legislature should be~~
37 ~~required to meet regularly with those who vote them into office;~~

38 ~~(6) Instead of passing a budget on time, Members of the~~
39 ~~Legislature spend time in recess and not working to resolve their~~

1 *political differences. The Legislature should be required to stay*
2 *in session without a break until a budget is adopted;*

3 *(7) Voters should know that individual Members of the*
4 *Legislature are working effectively and reliably on behalf of their*
5 *constituents. One way to achieve this goal is to require legislative*
6 *report cards for each Member of the Legislature, to document how*
7 *he or she has spent his or her time while in session. Those report*
8 *cards should be available on a public Web site;*

9 *(8) Many of our state's widely respected scholars and public*
10 *policy advocates, and the Constitution Revision Commission, have*
11 *lamented that California's limits on legislative terms have sharply*
12 *reduced the ability and inclination of lawmakers to address*
13 *complex and long-term issues, thus making the Legislature less*
14 *effective and reliable;*

15 *(9) Californians cannot have confidence in a Legislature*
16 *handicapped by inexperience and unable to devote itself to the*
17 *State's long-term needs. Recent studies have shown that, since the*
18 *enactment of the current term limits, the frequency of oversight*
19 *hearings on the operations of state government and California's*
20 *long-term needs has declined dramatically;*

21 *(10) Revising the current limit of eight years in the State Senate*
22 *and six years in the State Assembly so that Members of the*
23 *Legislature may serve a total of 12 years in either house will allow*
24 *the Members to focus on the long-term needs of the State, thus*
25 *making the Legislature more effective and reliable;*

26 *(11) There is an urgent need to improve public confidence in*
27 *the Legislature and the Governor by ensuring that their actions*
28 *are meant to benefit the state over the long term and that their*
29 *actions are undertaken solely in the public interest;*

30 *(12) Gifts from those who attempt to influence elected officials*
31 *undermine the effectiveness of the legislative process. Because the*
32 *Governor, in approving or vetoing a bill, acts in a legislative*
33 *function, any reform to the legislative process must also address*
34 *the role of the Governor. Members of the Legislature and the*
35 *Governor must be banned from receiving any gifts whatsoever*
36 *from lobbyists, lobbying firms, or those who employ or retain*
37 *lobbyists, and from persons seeking contracts with the State;*

38 *(13) Campaign contributions have also impacted the*
39 *effectiveness of the legislative process. Lobbyists and lobbying*
40 *firms must be prohibited from making or arranging for campaign*

1 *contributions to Members of the Legislature or the Governor while*
2 *the state budget is under consideration; and*

3 WHEREAS, It is the intent of the people of California in
4 approving this measure to do all of the following with respect to
5 term limits:

6 (1) Provide greater stability and expertise in the Legislature's
7 policymaking process;

8 (2) Reduce the total number of years that new Members may
9 serve in the Legislature from 14 to 12, to prevent Members from
10 becoming entrenched and to promote the opportunity for others
11 to serve;

12 (3) Permit legislators to gain the knowledge and experience
13 necessary to tackle the critical issues facing our state;

14 (4) Afford current members of the Senate and the Assembly the
15 same opportunity to serve 12 years in a single house as newly
16 elected members and preserve existing law regarding uncompleted
17 terms; now, therefore, be it

18 *Resolved by the Senate, the Assembly concurring*, That the
19 Legislature of the State of California at its 2007–08 Regular
20 Session commencing on the fourth day of December 2006,
21 two-thirds of the membership of each house concurring, hereby
22 proposes to the people of the State of California that the
23 Constitution of the State be revised as follows:

24 First—That Section 4 of Article III thereof is amended to read:

25 SEC. 4. (a) Except as provided in subdivision (b) of this section
26 or in subdivision (m) of Section 8, salaries of elected state officers
27 may not be reduced during their term of office. Laws that set these
28 salaries are appropriations.

29 (b) Beginning on January 1, 1981, the base salary of a judge of
30 a court of record shall equal the annual salary payable as of July
31 1, 1980, for that office had the judge been elected in 1978. The
32 Legislature may prescribe increases in those salaries during a term
33 of office, and it may terminate prospective increases in those
34 salaries at any time during a term of office, but it shall not reduce
35 the salary of a judge during a term of office below the highest level
36 paid during that term of office. Laws setting the salaries of judges
37 shall not constitute an obligation of contract pursuant to Section
38 9 of Article I or any other provision of law.

39 Second—That Section 8 of Article III thereof is amended to
40 read:

1 SEC. 8. (a) The California Citizens Compensation Commission
2 is hereby created and shall consist of seven members appointed
3 by the Governor. The commission shall establish the annual salary
4 and the medical, dental, insurance, and other similar benefits of
5 state officers.

6 (b) The commission shall consist of the following persons:

7 (1) Three public members, one of whom has expertise in the
8 area of compensation, such as an economist, market researcher,
9 or personnel manager; one of whom is a member of a nonprofit
10 public interest organization; and one of whom is representative of
11 the general population and may include, among others, a retiree,
12 homemaker, or person of median income. No person appointed
13 pursuant to this paragraph may, during the 12 months prior to his
14 or her appointment, have held public office, either elective or
15 appointive, have been a candidate for elective public office, or
16 have been a lobbyist, as defined by the Political Reform Act of
17 1974.

18 (2) Two members who have experience in the business
19 community, one of whom is an executive of a corporation
20 incorporated in this State which ranks among the largest private
21 sector employers in the State based on the number of employees
22 employed by the corporation in this State and one of whom is an
23 owner of a small business in this State.

24 (3) Two members, each of whom is an officer or member of a
25 labor organization.

26 (c) The Governor shall strive insofar as practicable to provide
27 a balanced representation of the geographic, gender, racial, and
28 ethnic diversity of the State in appointing commission members.

29 (d) The Governor shall appoint commission members and
30 designate a chairperson for the commission not later than 30 days
31 after the effective date of this section. The terms of two of the
32 initial appointees shall expire on December 31, 1992, two on
33 December 31, 1994, and three on December 31, 1996, as
34 determined by the Governor. Thereafter, the term of each member
35 shall be six years. Within 15 days of any vacancy, the Governor
36 shall appoint a person to serve the unexpired portion of the term.

37 (e) No current or former officer or employee of this State is
38 eligible for appointment to the commission.

39 (f) Public notice shall be given of all meetings of the
40 commission, and the meetings shall be open to the public.

1 (g) On or before December 3, 1990, the commission shall, by
2 a single resolution adopted by a majority of the membership of
3 the commission, establish the annual salary and the medical, dental,
4 insurance, and other similar benefits of state officers. The annual
5 salary and benefits specified in that resolution shall be effective
6 on and after December 3, 1990.

7 Thereafter, by midnight on June 30 of each year, the commission
8 shall, by a single resolution adopted by a majority of the
9 membership of the commission, adjust the annual salary and the
10 medical, dental, insurance, and other similar benefits of state
11 officers. The annual salary and benefits specified in the resolution
12 shall be effective on and after the first Monday of the next
13 December.

14 (h) In establishing or adjusting the annual salary and the medical,
15 dental, insurance, and other similar benefits, the commission shall
16 consider all of the following:

17 (1) The amount of time directly or indirectly related to the
18 performance of the duties, functions, and services of a state officer.

19 (2) The amount of the annual salary and the medical, dental,
20 insurance, and other similar benefits for other elected and appointed
21 officers and officials in this State with comparable responsibilities,
22 the judiciary, and, to the extent practicable, the private sector,
23 recognizing, however, that state officers do not receive, and do
24 not expect to receive, compensation at the same levels as
25 individuals in the private sector with comparable experience and
26 responsibilities.

27 (3) The responsibility and scope of authority of the entity in
28 which the state officer serves.

29 (i) Except as provided in subdivision (m), until a resolution
30 establishing or adjusting the annual salary and the medical, dental,
31 insurance, and other similar benefits for state officers takes effect,
32 each state officer shall continue to receive the same annual salary
33 and the medical, dental, insurance, and other similar benefits
34 received previously.

35 (j) All commission members shall receive their actual and
36 necessary expenses, including travel expenses, incurred in the
37 performance of their duties. Each member shall be compensated
38 at the same rate as members, other than the chairperson, of the
39 Fair Political Practices Commission, or its successor, for each day
40 engaged in official duties, not to exceed 45 days per year.

1 (k) It is the intent of the Legislature that the creation of the
2 commission should not generate new state costs for staff and
3 services. The Department of Personnel Administration, the Board
4 of Administration of the Public Employees' Retirement System,
5 or other appropriate agencies, or their successors, shall furnish,
6 from existing resources, staff and services to the commission as
7 needed for the performance of its duties.

8 (l) "State officer," as used in this section, means the Governor,
9 Lieutenant Governor, Attorney General, Controller, Insurance
10 Commissioner, Secretary of State, Superintendent of Public
11 Instruction, Treasurer, member of the State Board of Equalization,
12 and Member of the Legislature.

13 (m) If a budget bill is not passed by the Legislature and sent to
14 the Governor by July 1, a Member of the Legislature shall not
15 receive any salary from that date until a budget bill is passed and
16 sent to the Governor. Once a budget bill is passed and sent to the
17 Governor, a Member of the Legislature shall retroactively receive
18 any salary that was due during that period of time.

19 Third—That Section 2 of Article IV thereof is amended to read:

20 SEC. 2. (a) (1) The Senate has a membership of 40 Senators
21 elected for 4-year terms, 20 to begin every 2 years.

22 (2) The Assembly has a membership of 80 members elected for
23 2-year terms.

24 (3) The term of a Senator or a Member of the Assembly shall
25 commence on the first Monday in December next following his
26 or her election.

27 (4) (A) Except as otherwise provided by subparagraph (B),
28 during his or her lifetime a person may serve not more than 12
29 years in the Senate, the Assembly, or both, in any combination of
30 terms.

31 (B) A Member of the Senate or the Assembly, who is in office
32 on the effective date of the measure adding this subparagraph may
33 serve 12 consecutive years in the house in which he or she is
34 currently serving, regardless of his or her prior years of service in
35 the other house. Except as provided by Section 7 of Article XX,
36 the 12 consecutive years include those years already served
37 consecutively in the house in which the Member is currently
38 serving.

39 (C) For purposes of this section, a person who serves in the
40 Senate or Assembly from the first Monday in December of one

1 year to the first Monday in December of the following year shall
2 be deemed to have thereby served one year.

3 (b) Members of the Assembly shall be elected on the first
4 Tuesday after the first Monday in November of even-numbered
5 years unless otherwise prescribed by the Legislature. Senators
6 shall be elected at the same time and places as Members of the
7 Assembly.

8 (c) A person is ineligible to be a Member of the Legislature
9 unless both of the following conditions are met:

10 (1) The person is an elector and has been a resident of the
11 legislative district for one year, and a citizen of the United States
12 and a resident of California for 3 years, immediately preceding
13 the election.

14 (2) Service of the full term of office to which the person is
15 elected would not cause that person to exceed the limitation on
16 years of service set forth in paragraph (4) of subdivision (a) and
17 Section 7 of Article XX.

18 (d) When a vacancy occurs in the Legislature the Governor
19 immediately shall call an election to fill the vacancy.

20 *Fourth—That Section 3 of Article IV thereof is amended to read:*

21 SEC. 3. (a) The Legislature shall convene in regular session
22 at noon on the first Monday in December of each even-numbered
23 year and each house shall immediately organize. Each session of
24 the Legislature shall adjourn sine die by operation of the
25 Constitution at midnight on November 30 of the following
26 even-numbered year.

27 (b) On extraordinary occasions the Governor by proclamation
28 may cause the Legislature to assemble in special session. When
29 so assembled it has power to legislate only on subjects specified
30 in the proclamation but may provide for expenses and other matters
31 incidental to the session.

32 (c) *When adjourned for a joint recess or during other*
33 *appropriate times, the Legislature shall conduct hearings and*
34 *studies with regard to oversight of state government operations,*
35 *evaluation of existing laws, and research and education about the*
36 *long-term improvement of state government.*

37 (d) *While in session, a Member of the Legislature shall return*
38 *to his or her district at least once each week for meetings with*
39 *constituents. A Member of the Legislature shall also conduct, at*

1 *least quarterly, town hall meetings within his or her district to*
2 *assess the needs and views of his or her constituents.*

3 *(e) The Chief Clerk of the Assembly and the Secretary of the*
4 *Senate shall make available on a public Web site a legislative*
5 *report card for each member of their respective houses. The*
6 *legislative report card shall state the number of legislative*
7 *oversight hearings, town hall meetings, and district constituent*
8 *meetings attended by each member.*

9 *(f) During the consideration of the state budget, the Legislature*
10 *shall not recess or adjourn and shall stay in session until a budget*
11 *bill has been passed and presented by the Governor pursuant to*
12 *Section 12.*

13 ~~Fourth—~~

14 *Fifth—That Section 3.5 is added to Article IV thereof, to read:*

15 ~~SEC. 3.5. (a) A person may not make~~ *A person who makes a*
16 *contribution or contributions to the Governor or a Member of the*
17 *Legislature as specified in subdivision (b) totaling in the aggregate*
18 *one thousand dollars (\$1,000) or more shall report the contribution*
19 *or contributions to the Fair Political Practices Commission or its*
20 *successor agency within 24 hours of the time that the contribution*
21 *or contributions were made. The Governor or a Member of the*
22 *Legislature who receives a contribution or contributions from a*
23 *person as specified in subdivision (b) totaling in the aggregate*
24 *one thousand dollars (\$1,000) or more shall report the contribution*
25 *or contributions to the commission or its successor agency within*
26 *24 hours of the time that the contribution or contributions were*
27 *received. The commission shall, by regulation, specify the manner*
28 *for reporting this information.*

29 *(b) Subdivision (a) applies to contributions made as follows:*

30 *(1) A contribution made to the Governor or a Member of the*
31 ~~*Legislature, and the Governor or a Member of the Legislature may*~~
32 ~~*not receive from any person, any contribution in any amount*~~ *during*
33 *the time period between the date in May that the Director of*
34 *Finance, pursuant to subdivision (d) of Section 13308 of the*
35 *Government Code, or its successor statute, provides to the*
36 *Legislature a revised estimate of the General Fund revenues for*
37 *the fiscal year and the ensuing fiscal year, any proposals to reduce*
38 *expenditures based on that estimate, and any proposed adjustments*
39 *to the Governor's Budget, and the date of the enactment of the*
40 *budget bill for the fiscal year commencing the following July 1.*

1 ~~(b) A person may not make~~

2 (2) *A contribution made* to the Governor or a Member of the
3 Legislature, ~~and the Governor or a Member of the Legislature may~~
4 ~~not receive from any person, any contribution in any amount~~ during
5 the 30-day period before the date scheduled for the Legislature to
6 adjourn in joint recess to reconvene in the second calendar year
7 of the biennium of the legislative session or during the 30-day
8 period before September 1 of the second calendar year of the
9 biennium of the legislative session.

10 ~~(c) A person may not make~~

11 (3) *A contribution made* to the Governor, ~~and the Governor~~
12 ~~may not receive from any person, any contribution in any amount~~
13 during the 30-day period following the date the Legislature
14 adjourns in joint recess to reconvene in the second calendar year
15 of the biennium of the legislative session or during the 30-day
16 period following September 1 of the second calendar year of the
17 biennium of the legislative session.

18 ~~(d)~~

19 (c) For purposes of this section, “contribution” ~~has and~~ “person”
20 ~~have the same meaning as that term has in Section 82015 of the~~
21 ~~Government Code, or its successor statute; meanings as those~~
22 ~~terms have in Sections 82015 and 82047, respectively, of the~~
23 ~~Government Code, or in successor statutes.~~

24 ~~Fifth—~~

25 *Sixth—*That Section 12 of Article IV thereof is amended to read:
26 SEC. 12. (a) Within the first 10 days of each calendar year,
27 the Governor shall submit to the Legislature, with an explanatory
28 message, a budget for the ensuing fiscal year containing itemized
29 statements for recommended state expenditures and estimated state
30 revenues. If recommended expenditures exceed estimated revenues,
31 the Governor shall recommend the sources from which the
32 additional revenues should be provided.

33 (b) The Governor and the Governor-elect may require a state
34 agency, officer, or employee to furnish whatever information is
35 deemed necessary to prepare the budget.

36 (c) (1) The budget shall be accompanied by a budget bill
37 itemizing recommended expenditures.

38 (2) The budget bill shall be introduced immediately in each
39 house by the persons chairing the committees that consider the
40 budget.

1 (3) The Legislature shall pass the budget bill by midnight on
2 June 15 of each year. If the budget bill is not passed by July 1 of
3 any year, both houses of the Legislature shall thereafter meet each
4 calendar day until a budget bill is passed.

5 (4) Until the budget bill has been enacted, the Legislature shall
6 not send to the Governor for consideration any bill appropriating
7 funds for expenditure during the fiscal year for which the budget
8 bill is to be enacted, except emergency bills recommended by the
9 Governor or appropriations for the salaries and expenses of the
10 Legislature.

11 (d) No bill except the budget bill may contain more than one
12 item of appropriation, and that for one certain, expressed purpose.
13 Appropriations from the General Fund of the State, except
14 appropriations for the public schools, are void unless passed in
15 each house by rollcall vote entered in the journal, two-thirds of
16 the membership concurring.

17 (e) The Legislature may control the submission, approval, and
18 enforcement of budgets and the filing of claims for all state
19 agencies.

20 (f) For the 2004–05 fiscal year, or any subsequent fiscal year,
21 the Legislature may not send to the Governor for consideration,
22 nor may the Governor sign into law, a budget bill that would
23 appropriate from the General Fund, for that fiscal year, a total
24 amount that, when combined with all appropriations from the
25 General Fund for that fiscal year made as of the date of the budget
26 bill's passage, and the amount of any General Fund moneys
27 transferred to the Budget Stabilization Account for that fiscal year
28 pursuant to Section 20 of Article XVI, exceeds General Fund
29 revenues for that fiscal year estimated as of the date of the budget
30 bill's passage. That estimate of General Fund revenues shall be
31 set forth in the budget bill passed by the Legislature.

32 ~~Sixth—~~

33 *Seventh*—That Section 22 of Article IV thereof is amended to
34 read:

35 SEC. 22. (a) It is the right of the people to hold their legislators
36 accountable. To assist the people in exercising this right, at the
37 convening of each regular session of the Legislature, the President
38 pro Tempore of the Senate, the Speaker of the Assembly, and the
39 minority leader of each house shall report to their house the goals
40 and objectives of that house during that session and, at the close

1 of each regular session, the progress made toward meeting those
2 goals and objectives.

3 (b) It is the right of the people to have reasonable opportunities
4 to meet and communicate with Members of the Legislature. To
5 assist the people in exercising this right, each Member of the
6 Legislature shall attend quarterly meetings with constituents in his
7 or her district and shall maintain regularly scheduled and publicized
8 office hours in one or more district offices.

9 ~~Seventh—~~

10 *Eighth*—That Section 7 of Article XX thereof is amended to
11 read:

12 SEC. 7. The limitations prescribed by Section 2 of Article IV,
13 Sections 2 and 11 of Article V, Section 2 of Article IX, and Section
14 17 of Article XIII apply only to terms or years of service to which
15 persons are elected or appointed on or after November 6, 1990.
16 Those limitations on terms and years of service shall not apply to
17 any unexpired term to which a person is elected or appointed, or
18 to any years served as part of that unexpired term, if the remainder
19 of the term is less than half of the full term.

20 ~~Eighth—~~

21 *Ninth*—That Section 1 of Article XXI thereof is amended to
22 read:

23 SECTION 1. In the year following the year in which the
24 national census is taken under the direction of Congress at the
25 beginning of each decade, the Legislature shall adjust the boundary
26 lines of Congressional districts in conformance with the following
27 standards:

28 (a) Each member of the Congress shall be elected from a
29 single-member district.

30 (b) The population of all districts shall be reasonably equal.

31 (c) Every district shall be contiguous.

32 (d) Districts shall be numbered consecutively commencing at
33 the northern boundary of the State and ending at the southern
34 boundary of the State.

35 (e) The geographical integrity of any city, county, or city and
36 county, or of any geographical region shall be respected to the
37 extent possible without violating the requirements of any other
38 subdivision of this section.

39 ~~Ninth—~~

40 *Tenth*—That Section 2 is added to Article XXI thereof, to read:

1 SEC. 2. (a) Each member of the Senate, Assembly, and the
2 State Board of Equalization shall be elected from a single-member
3 district.

4 (b) By February 28 of each year ending in the number one, the
5 Independent Redistricting Commission shall be established
6 pursuant to this article to provide for the redistricting of Senate,
7 Assembly, and State Board of Equalization districts. The
8 redistricting of Senate, Assembly, and State Board of Equalization
9 districts shall occur only once per decade. As used in this article,
10 “commission” means the Independent Redistricting Commission.

11 (c) The commission shall consist of 11 members, and all of the
12 following shall apply:

13 (1) No more than four members of the commission may be
14 members of the same political party.

15 (2) Of the eight commission members appointed pursuant to
16 subdivisions (b) and (c) of Section 3, no more than two may reside
17 in the same county.

18 (3) Each commission member shall be registered to vote in this
19 State, and shall have been continuously registered with the same
20 political party, or as unaffiliated with a political party, for not less
21 than three years immediately preceding his or her appointment.

22 (4) Each commission member shall commit to applying this
23 article in an honest, independent, and impartial fashion, and to
24 upholding public confidence in the integrity of the redistricting
25 process.

26 (d) (1) A person is not eligible to serve on the commission if,
27 within the three years immediately preceding the date of his or her
28 appointment, the person, or a member of his or her immediate
29 family, has done any of the following:

30 (A) Been appointed or elected to, or have been a candidate for,
31 any other public office.

32 (B) Served as an officer of a political party, or as an officer,
33 employee, or paid consultant of a campaign committee of a
34 candidate for elective public office.

35 (C) Been a registered lobbyist, or an employee of, or a paid
36 consultant to, a registered lobbyist.

37 (2) Legislative staff and consultants, persons under a contract
38 with the Legislature, and any person who has contributed ten
39 thousand dollars (\$10,000) or more to, has a financial relationship
40 with, or is an immediate family member of, the Governor, a

1 Member of the Legislature, or a member of the State Board of
2 Equalization are not eligible to serve as members of the
3 commission.

4 (3) A member of the commission shall be ineligible, during his
5 or her term of office and for three years thereafter, to hold elective
6 public office in this State or to register as a lobbyist.

7 (4) For purposes of this subdivision, a member of a person's
8 "immediate family" is one with whom the person has a bona fide
9 relationship established through blood, marriage, or adoption,
10 including, but not limited to, parents, children, siblings, and
11 in-laws.

12 ~~Tenth—~~

13 *Eleventh*—That Section 3 is added to Article XXI thereof, to
14 read:

15 SEC. 3. (a) (1) The Judicial Council, panelists, Members of
16 the Legislature, and the Fair Political Practices Commission, or
17 its successor agency, shall work to ensure that the panelists, pool
18 of candidates, and commissioners, as applicable, are representative
19 of this State's racial, ethnic, cultural, geographic, and gender
20 diversity.

21 (2) A panel of 10 retired superior court judges or judges of the
22 Court of Appeal, appointed by the Judicial Council, shall nominate
23 candidates for appointment to the commission. The Judicial
24 Council shall adopt rules and procedures for appointing qualified
25 panelists and for selecting alternates in the event that a panelist is
26 unable to carry out his or her duties.

27 (3) Of the 10 panelists, 5 shall be registered voters affiliated
28 with each of the two largest political parties in California based
29 on party registration.

30 (4) Each panelist shall have been continuously registered in this
31 State with the same political party for not less than three years
32 immediately preceding his or her appointment.

33 (5) By January 8 of each year ending in the number one, the
34 panel shall establish a pool of qualified persons who are willing
35 to serve on the commission, and submit a list of the names of those
36 persons to the President pro Tempore of the Senate, the Minority
37 Floor Leader of the Senate, the Speaker of the Assembly, the
38 Minority Floor Leader of the Assembly, and the Fair Political
39 Practices Commission or its successor agency.

1 (6) The pool of candidates shall consist of 55 nominees, with
2 20 nominees from each of the two largest political parties in this
3 State based on party registration, and 15 who are not registered
4 with either of those two political parties.

5 (b) No later than January 31 of each year ending in the number
6 one, the President pro Tempore of the Senate, the Minority Floor
7 Leader of the Senate, the Speaker of the Assembly and the Minority
8 Floor Leader of the Assembly may each strike from the pool of
9 candidates up to four candidates. Thereafter, the Fair Political
10 Practices Commission or its successor agency shall, under a process
11 that is open to public disclosure, appoint the 11 commission
12 members, by random selection from the remaining pool of
13 candidates, including four members from each of the two largest
14 political parties in this State and three who are not registered with
15 either of those two political parties.

16 (c) Any vacancy in the 11 commission positions described in
17 subdivision (b) that remains as of March 1 of a year ending in the
18 number one shall be filled from the pool of nominees by the panel
19 of retired judges described in subdivision (a).

20 (d) The 11 members of the commission shall, by affirmative
21 vote of six or more members, select one of the three members
22 appointed pursuant to paragraph (2) of subdivision (b) to serve as
23 the chair of the commission.

24 ~~Eleventh—~~

25 *Twelfth*—That Section 4 is added to Article XXI thereof, to read:

26 SEC. 4. (a) After having been served written notice and
27 provided with an opportunity for a response, a member of the
28 commission may be removed by the Governor, with the
29 concurrence of two-thirds of the Senate, for substantial neglect of
30 duty, gross misconduct in office, or inability to discharge the duties
31 of office.

32 (b) (1) If a member of the commission vacates his or her office
33 or is removed pursuant to subdivision (a) prior to the completion
34 of his or her term, the panel of retired judges appointed pursuant
35 to paragraph (2) of subdivision (a) of Section 3 shall fill the
36 vacancy from the pool of nominees selected pursuant to that
37 subdivision within the first 30 days after the vacancy occurs.

38 (2) The nominee chosen to fill the vacancy shall be of the same
39 political party membership or nonpartisan status, as the case may
40 be, held by the vacating member at the time of his or her

1 appointment. The panel shall comply with paragraph (1) of
2 subdivision (a) of Section 3 in filling that vacancy. If the vacating
3 member was the chair of the commission, the commission shall
4 select a new chair.

5 (3) The newly appointed member shall serve the remainder of
6 the original term of the vacating member.

7 ~~Twelfth—~~

8 *Thirteenth*—That Section 5 is added to Article XXI thereof, to
9 read:

10 SEC. 5. (a) The activities of the commission shall be subject
11 to all of the following:

12 (1) Six members of the commission, one of whom may be the
13 chair or vice chair, shall constitute a quorum.

14 (2) Six or more affirmative votes shall be required for any
15 official action.

16 (3) The commission shall comply with the Bagley-Keene Open
17 Meeting Act (Article 9 (commencing with Section 11120) of
18 Division 3 of Title 2 of the Government Code), or its successor
19 statute. The commission shall provide not less than 14 days' public
20 notice for each meeting.

21 (4) The records of the commission pertaining to redistricting,
22 and all data considered by the commission for the purposes of
23 redistricting, are subject to the California Public Records Act
24 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
25 Title 1 of the Government Code), or its successor statute, and are
26 open to inspection by members of the public upon request as
27 provided by the act, except that the commission may withhold
28 from public inspection preliminary drafts, notes, and
29 communications between or among commission members, staff,
30 and consultants.

31 (5) Any oral or written communication with a commission
32 member outside of a public hearing, other than by staff or by legal
33 counsel, is prohibited as to any matter on which the commission
34 is required to meet under paragraph (3). This paragraph does not
35 prohibit any communication between commission members that
36 is permitted by the Bagley-Keene Open Meeting Act, or its
37 successor statute, to occur outside of a public hearing.

38 (b) The duties of the commission include establishing Senate,
39 Assembly, and State Board of Equalization districts pursuant to a

1 mapping process for each district in accordance with each of the
2 following goals, prioritized according to the following order:

3 (1) Senate, Assembly, and State Board of Equalization districts
4 shall each have equal population with other districts for the same
5 office, to the extent practicable, in compliance with the United
6 States Constitution.

7 (2) District boundary lines shall comply with the federal Voting
8 Rights Act of 1965 (42 U.S.C. Sec. 1971 and following).

9 (3) District boundary lines shall be geographically contiguous
10 to the extent practicable.

11 (4) District boundary lines shall respect communities of interest
12 to the extent practicable.

13 (5) District boundary lines shall use visible geographic features
14 and city and county boundaries to the extent practicable.

15 (6) District boundary lines shall be geographically compact to
16 the extent practicable.

17 (c) Party registration and voting history data shall be excluded
18 from the mapping process. The places of residence of incumbents
19 or candidates may not be identified or considered in the creation
20 of a map pursuant to subdivision (b).

21 (d) (1) The commission shall establish and implement an open
22 and noticed hearing process for public input. The public hearing
23 process shall include at least the following three stages: (A)
24 hearings to receive public input before the commission draws any
25 maps; (B) hearings following each drawing and display of proposed
26 maps; and (C) hearings following the drawing and display of the
27 proposed final maps.

28 (2) The commission shall propose and implement a plan to
29 provide the public with access to United States census data and to
30 make software available to the public for drawing maps and
31 providing input through the public hearing process. At the first
32 two stages, the commission shall display the maps created pursuant
33 to subdivision (b) of Senate, Assembly, and State Board of
34 Equalization districts to the public for comment, in a manner
35 designed to achieve the widest public dissemination reasonably
36 possible, and public comment shall be taken for at least 30 days
37 from the date of public display. Either the Senate or the Assembly,
38 or both, may act within this period to make recommendations to
39 the commission by majority or minority report, which
40 recommendations shall be considered by the commission.

(e) The commission shall, after consideration of public comments and recommendations made by the Senate or Assembly pursuant to subdivision (d), and having made every effort to draw the proposed maps in compliance with the goals listed in subdivision (b), establish the boundaries of the final maps for Senate, Assembly, and State Board of Equalization districts by November 15 of the year ending in one, and shall certify those districts to the Secretary of State as its final redistricting plan. The approval of the final boundaries shall be by majority vote of the membership of the commission, and requires that one or more votes for approval be cast by members of the commission registered with each of the two largest political parties in this State based on party registration, and that one or more votes for approval be cast by members of the commission who are not registered with either of these two political parties.

(f) The commission shall issue, with its final redistricting plan, a report that explains the basis on which the commission made its decisions in achieving compliance with the goals listed in subdivision (b), particularly where compliance with one goal resulted in less than full compliance with another. The report shall define or describe, as applicable, the terms and standards used in drawing the maps.

~~Thirteenth—~~

Fourteenth—That Section 6 is added to Article XXI thereof, to read:

SEC. 6. (a) In 2010, and annually thereafter, the Governor shall include in the Governor's Budget submitted to the Legislature pursuant to Section 12 of Article IV an amount of funding sufficient to meet the estimated expenses of the subsequent redistricting process occurring pursuant to this article, and shall also make adequate office space available for the operation of the panel and commission. The necessary appropriation shall be made in the annual budget act.

(b) The panel and commission, with fiscal oversight from the Department of Finance or its successor, shall have procurement and contracting authority and may hire staff and consultants, exempt from the civil service requirements of Article VII, for the purposes of this article, including legal representation. The commission shall establish criteria for the hiring and removal of

1 staff and consultants, and may apply subdivision (d) of Section 2
2 to the hiring of staff and consultants to the extent practicable.

3 (c) The commission has standing in legal actions regarding a
4 redistricting plan or to establish whether funds or other resources
5 provided for the operation of the commission are adequate. The
6 commission has sole authority to determine whether the Attorney
7 General, or legal counsel hired or selected by the commission,
8 shall represent the people of the State in the commission's legal
9 defense of a redistricting plan.

10 (d) (1) The Supreme Court has original and exclusive
11 jurisdiction in all proceedings in which the validity or interpretation
12 of a final redistricting plan adopted by the commission is at issue.

13 (2) Any affected elector may file a petition for a writ of mandate
14 or writ of prohibition to challenge a final redistricting plan within
15 45 days after the plan has been certified by the commission to the
16 Secretary of State, to bar the Secretary of State from implementing
17 the plan on the grounds that the plan violates this Constitution, the
18 United States Constitution, or any federal statute.

19 (3) The court shall act expeditiously on a petition filed under
20 paragraph (2). If the court determines that a final redistricting plan
21 adopted by the commission violates this Constitution, the United
22 States Constitution, or any federal statute, the court shall fashion
23 the relief that it deems appropriate to remedy that violation and
24 otherwise accomplish the purposes of this article.

25 ~~Fourteenth—~~

26 *Fifteenth*—That Section 7 is added to Article XXI thereof, to
27 read:

28 SEC. 7. (a) A member of the panel or the commission shall
29 receive a per diem of \$150 for each day that he or she is in
30 attendance at a meeting of the panel or commission, as applicable,
31 and reimbursement pursuant to statute for actual and necessary
32 traveling expenses incurred in connection with the duties performed
33 for the commission or panel. For purposes of reimbursement of
34 travel expenses under this subdivision, a member's residence is
35 deemed to be the member's post of duty.

36 (b) The commission may not meet or incur expenses after a
37 final redistricting plan is approved and certified pursuant to
38 subdivision (e) of Section 5, except with respect to any pending
39 litigation or approval by the federal government concerning the
40 plan, to revise districts if required by court order, or if the number

1 of Senate, Assembly, or State Board of Equalization districts is
2 changed.

3 (c) For purposes of this article, “day” means a calendar day,
4 except that if the final day of a period within which an act is to be
5 performed is a Saturday, Sunday, or holiday, the period is extended
6 to the next day that is not a Saturday, Sunday, or holiday.

7 (d) This article is self-executing.

8 (e) The provisions of this article are severable. If any provision
9 of this article or its application is held invalid, that invalidity shall
10 not affect other provisions or applications that can be given effect
11 without the invalid provision or application.

12 ~~Fifteenth—~~

13 *Sixteenth*—That the provisions of this measure are severable. If
14 any provision of this measure or its application is held invalid, that
15 invalidity shall not affect other provisions or applications that can
16 be given effect without the invalid provision or application.

17 ~~Sixteenth—~~

18 *Seventeenth*—That in the event that this measure and another
19 measure or measures relating to the number of years or terms that
20 a Member of the Legislature may serve, appear on the same
21 statewide election ballot, the provisions of the other measure or
22 measures shall be deemed to be in conflict with this measure. If
23 this measure receives a greater number of affirmative votes, the
24 ~~provision~~ *provisions* of this measure shall prevail in their entirety,
25 and the provisions of the other measure or measures shall be null
26 and void.